

S P E E C H

OF



MR. MONROE OF LORAIN,

- 1858

In the House of Representatives, Jan. 12, 1858,

ON THE

BILL TO REPEAL AN ACT TO PROHIBIT THE CONFINEMENT OF
FUGITIVES FROM SLAVERY IN THE JAILS OF OHIO.

C O L U M B U S:

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1858.

S P E E C H.

HOUSE OF REPRESENTATIVES,
COLUMBUS, Jan. 13, 1858. }

HON. JAMES MONROE—DEAR SIR:—We heard with no little edification your remarks in the House on the 12th inst., on the bill to repeal the act entitled “an act to prohibit the confinement of fugitives from slavery in the jails of Ohio.” It will afford an additional gratification, if you will consent to prepare for publication in detail the remarks made by you on that occasion. Truly yours,

N. H. VAN VORHES,	J. A. BELL,
E. D. PECK,	JOHN WATSON,
W. B. COX,	M. D. GATCH,
W. D. HAYMAKER,	G. T. TOWNSEND,
R. A. HARRISON,	M. F. STEPHENS,
R. M. BRIGGS,	H. BROOM, Jr.,
S. A. BAYHORN,	P. HITCHCOCK,
A. D. RODGERS,	A. S. BAILEY,
JAMES R. HUBBELL,	O. B. SIMMONS,
W. H. WEST,	J. A. AMBLER,
J. A. BLAIR,	J. DAY,
D. C. ALLEN,	T. A. PLANTS.

HOUSE OF REPRESENTATIVES,
COLUMBUS, Jan. 14, 1858. }

HON. N. H. VAN VORHES AND OTHERS—

Gentlemen:—A copy of the speech referred to in your polite note of the 13th inst., is here-with submitted to your disposal.

Yours truly, JAMES MONROE.

MR. CHAIRMAN:—The act which this bill proposes to repeal is one of which I heartily approved, and for which I voted; and I should hardly do my duty to myself or to those I represent, were I to permit this bill to pass through its several stages, without protesting earnestly against its passage.

Whenever a bill is introduced here, especially if it be of so peculiar a nature as this, the question with which it should at once be met, is, what good reason can be offered for voting for this bill? This question I have endeavored candidly to apply to the bill before us, and the

result, after much reflection, is, that I cannot discover any even plausible reason for sustaining it.

If there is any such reason, it must arise either from some moral or legal obligation, or from those principles of comity which should be maintained between different sections of the Union. The argument from moral or legal obligation, however, is not insisted on by our opponents. I have heard no one contend that there is any precept of the higher law or the lower law, making it obligatory upon the people of Ohio to build jails for the confinement of fugitives from slavery. There is no such duty imposed upon us by the Constitution of the United States, by the Constitution of Ohio, or by any law of Congress; and least of all, by the law of God. The advocacy of this bill therefore, must be put upon the ground of comity. This is the argument of the Ohio Statesman; and this is substantially the position of the gentleman from Hamilton. He has brought no law, human or divine, to his support. He merely tells us that Congress many years since, under circumstances very different from the present, before the Fugitive Slave Law of 1850 was enacted, passed a resolution requesting the States to open their jails for the confinement of fugitives; and for this reason, as well as for general reasons of comity, he thinks we should engage in this elevating and Democratic work.

Now, sir, I admit that, in many cases, considerations of comity are entitled to great weight. Even nations that are wholly foreign to each other should treat each other with courtesy; and much more should this be true of States of the same Confederacy in their relations to each other, and to the General Government. But, sir, I claim, what the gentleman has not attempted to disprove, that the present case is one of that very sort in which reasons of comity cannot obtain.

1. In the first place, no man can ever be required, on principles of comity, to do what is morally degrading to himself; and what is true of an individual in this respect, is true of a political community. Now I contend that voluntary cooperation in any form, in the business of

slave-catching, whether in the man or in the State, is morally degrading. This proposition is nearly self-evident. I am sure it commands itself to the generous feelings of every man upon this floor. I care not by what party names you are called, I know that in this I have your sympathy. In every free, manly face about me I see a sympathetic response. Is there any member of this House who would personally engage in a slave-hunt? If there is any such man, let him speak, that I may not argue the question upon a false assumption. Not one! There is no man here whose blood would not turn to flame at a request to engage in so servile a business! I can hardly think that even the patriotic and Union-saving gentleman from Hamilton would engage in such a work. I never expect to see that gentleman, strongly as he is impressed with principles of comity, chasing a flying fugitive through the streets of Columbus or the streets of Cincinnati. I have not had the honor or of a long acquaintance with the gentleman, but from what I know by report of his high and generous spirit, I believe that the slave-hunter who should attempt to set him, as he would attempt to set a hound, upon the track of his panting victim, would be roundly cursed for his pains! Why, sir, Mr. Payne, the Democratic nominee for Governor, in his canvass through the State the past Fall, asserted, everywhere, that the people of Ohio are under no obligation of any kind to engage voluntarily in slave-hunting. He said they might retire to their houses, and close their doors, and leave the pursuer to reclaim his victim as best he could. As for myself, although I have never coveted martyrdom, and have, perhaps, less of the spirit of a martyr than many others upon this floor, yet I would be slain in my place before I would engage in such a business. When God created me, he set me erect upon two feet. I have never had any reason to doubt the wisdom of the arrangement. At least, I will never so far disown my own manhood, as to prostrate myself into a barking quadruped upon the bleeding footsteps of a human brother struggling to be free. Or the case may be put in a different form. Is there any gentleman here who would, out of mere comity, offer his private dwelling as a place of confinement for fugitives? Would the gentleman from Hamilton, for reasons of courtesy, make a voluntary tender of his cellar, his garret, his store-room, or his bars, for a slave-prison, and cheerfully assume the ennobling duties of slaveholder's jailer? I ask then if it is proper for us to impose upon our noble and gallant commonwealth an office which we should be ashamed to assume ourselves? Is the honor of the State of Ohio of less value than that of a single member of this House? Is it not rather of more value than that of a thousand men, since upon its preservation depends the prosperity of a great and populous empire?

Let me state a case which is every important particular is founded upon fact. A single slave-woman, living in Georgia, determines to escape from slavery, and penetrate to the

North until she can secure her freedom. Her infant child, her only surviving relative, she loads upon her back, and starts upon her long and perilous way. She lies in swamps by day, and travels lonely by-paths by night. She endures perils from her pursuers and perils in crossing rapid rivers. She suffers from cold and rain and hunger and sickness. But still she presses onward, her little one still clinging to her neck, and her heart still trusting in God; until, with bleeding feet, she has traversed the whole breadth of your continent. She crosses the Ohio River, and with the North star still in her eye, presses onward along your river valleys, to reach the Canada line. Alas! she has eluded the vigilance of Georgia slave-holders, but she cannot elude the patriotic watchfulness of Federal officers in the State of Ohio.—These are now riding hard upon her track, and as they ride, they call to us, by their allies upon this floor, to join the chase! They demand that the State of Ohio shall become a party in the infamous hunt! She must add her power to the murderous throng that are pouring like a deluge after that sick, famished and heart-broken woman and her weeping child! And this is to be done on principles of courtesy! perhaps, also, on principles of chivalry and manly generosity!!

2. But again: principles of comity can hardly require the laboring men of Ohio to tax themselves to build jails in support of an institution which degrades labor, and treats the free laboring men of the North with contempt.—Those who have read the leading Buchanan papers of the South during the last two years, must have observed with what contempt they speak of the laboring population of the Free States, and how often a disposition is avowed to enslave all the working men of the land. I happen to have before me several extracts of this kind from Southern papers. The *Charleston Standard*, a leading Buchanan paper in South Carolina, says:

"Slavery is the natural and normal condition of the *laboring man*, whether *white* or *black*. The great evil of Northern *free* society, is, that it is burdened with a *servile* class of *MECHANICS* and *LABORERS*, *unfit for self government*, and yet clothed with the attributes and powers of citizens. Master and Slave is a relation in society as necessary as that of parent and child; and the Northern States will yet have to introduce it. Their theory of free government is a delusion."

Another influential supporter of Mr. Buchanan, the *Richmond Examiner*, contains these words:

"The South now maintains that *Slavery is right, natural and necessary, and does not depend upon differences of complexion*. The laws of the Slave States justify the holding of *white men in bondage*."

Let me read from another paper of the same stamp published in Alabama:

"Free society? We sicken at the name. What is it but a conglomeration of *greedy mechanics*, *filthy operatives*, *small-fisted farmers*, and

moon-struck visionaries! All the Northern, and especially the New England States, are devoid of society fitted for well bred gentlemen. The prevailing class one meets is that of mechanics struggling to be gentlemen, and small farmers who do their own drudgery; and yet who are hardly fit for association with a Southern gentleman's body-servant. This is your free society which the Northern borders are endeavoring to extend into Kansas."

Sentiments equally liberal and flattering might be quoted from the Richmond *Esquive*, the South Side *Democrat*, and other organs of the Buchanan party at the South. These are the views generally entertained of us by our Southern neighbors. Now is it not rather extraordinary for these slaveholders, holding such opinions and cherishing such designs in regard to the laboring men of Ohio, to ask, through their allies upon this floor, these laboring men to tax themselves upon grounds of *comity*, to build jails in which to confine the slaveholders' human cattle! And let me say, that this matter of taxation might become an important one. If the Fugitive Law were thoroughly carried out in Ohio—a thing which I doubt not many gentlemen upon this floor would be glad to see—and all the fugitives and descendants of fugitive mothers in our State were seized, and lodged temporarily in our jails, it would be necessary for the tax-payers of Ohio to double the jail accommodations of the State. In the gentleman's own county of Hamilton, there are fugitives enough to fill all the jails in the county. The same I suppose to be true of Franklin county, of Ross, of Pickaway, and other southern counties of the State, where the colored population is most numerous. A heavy burden of taxation therefore might be imposed upon the people of Ohio from this source—a burden which under the circumstances no principles of comity can require them to assume.

The considerations thus far offered are sufficient of themselves to show that there is no force in the argument from comity. I wish, however, to call your attention briefly to one or two other points.

3. Comity does not require the people of any State to do any gratuitous work in support of an unconstitutional law. But it can be demonstrated that the Fugitive Slave Law is unconstitutional. Some of the lawyers who sit around me, will perhaps think there is a want of delicacy in my discussing this question at all, as I am not one of that learned profession. But in the part of the State from which I come, we are in the habit of investigating subjects for ourselves, and in pronouncing the Fugitive Law of 1850 unconstitutional, I shall only be following, at a humble distance, in the lead of many of our wisest and best statesmen. I regard that law as unconstitutional because it is a clear and gross usurpation, on the part of Congress, of powers not delegated to it by the Constitution. We have recently had an endorsement by our Democratic friends of the Cincinnati Platform of June, 1856.

With the views expressed in the following resolution of that Platform I fully agree:

"That the Federal Government is ~~also~~ of limited power, derived solely from the Constitution; and grants of power made therein ought to be strictly construed by all the departments and agents of the Government; and that it is inexpedient and dangerous to exercise doubtful constitutional powers."

The tenth article of amendments to the Constitution which Mr. Jefferson regarded as its foundation corner-stone, is in the following words:—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

In the light of these principles, it is evident that, if we would ascertain whether the Fugitive Slave Law is unconstitutional, we must examine the Constitution, and see whether it anywhere contains a grant of power to Congress to legislate for the capture of fugitive slaves; bearing in mind that all grants must be "strictly construed," and "that it is inexpedient and dangerous to exercise doubtful constitutional powers."

Now, sir, I have examined the Constitution with some care, and I have never been able to discover any such grant of power whatever. I shall be happy to give way to any lawyer in this House who will show us where any such grant of power can be found. I know we are commonly referred to the third paragraph of section two, article four, of the Constitution, in these words:—

"No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

But this sentence contains no grant of power to Congress. So far from this, it is clearly addressed to the States, and leaves the whole question of the extradition of fugitives to their sound discretion. This is too evident from the very language of the provision to need further explanation. If the House desires great names in support of this opinion, I will give it the name of Daniel Webster, who was regarded by the whole nation as one of its clearest and most profound constitutional lawyers.

It was his opinion, during the whole of his political life,—an opinion publicly expressed as late as his famous speech of the seventh of March,—that this clause of the Constitution contains no grant of power to Congress, but is addressed to the States. Mr. Webster's opinion upon this point is entitled to the more weight, because both from the temper of his mind, and the bias of his party views, he was inclined to enlarge as much as possible the powers of the Federal Government. The idea of a strong central government dazzled and captivated his fancy, as it did the fancy of Hamilton. It must be remembered, too, that, in his seventh of March speech, he was doing all he

could, honestly at least, to conciliate the favor of the South. I know that Daniel Webster and the political Titans of his generation are somewhat out of date with Young America of the present day. But I am not too young to remember the time when his views were awaited with eagerness, and received with respect by the whole land. I remember when he used to stand in the open air in the neighborhood of Boston, literally amidst scores of his fellow citizens, all hanging upon his lips for the wisdom that flowed from them, and there, with God's own lightning flashing from his eyes, and God's own thunder rolling from his tongue, and intellect enough garnered up in his Alpine forehead to furnish a whole generation of Fillibusters and Border Ruffians, pronounced those noble eulogiums upon liberty and the rights of the States, which are still his grandest monument.

But this view of the Constitution has not been confined to Northern men. The most eminent statesmen of the South have held the same opinion. The Charleston *Mercury*, the organ of the Calhoun school of politicians, pronounces the Fugitive Slave Law to be unconstitutional in the following words, written soon after the passage of the Personal Liberty Bill of Massachusetts:—

"Of the action of Massachusetts in the abrogation of the Fugitive Slave Law, we have no complaint to make. It was, from the first, a miserable illusion; and worse, in fact—for it was an infringement upon one of the most cherished principles of the Constitution. The Constitution provides that fugitive 'from labor, upon demand shall be given up,' but gives no power to Congress to act in the affair. The tenth amendment to the Constitution provides 'that the powers not delegated to the United States are reserved to the States or to the people.' The clause above confers no power; but is the naked declaration of a right, and the power not being conferred, results to the States as one of the incidents of sovereignty too dear to be trusted to the general government. Our Southern members strove for the passage of the law, and strove honestly; but it shows the evils of our unfortunate condition, that, in the urgency of our contest with an aggressive adversary, we lose the landmarks of principle. To obtain an illusive triumph, we pressed the government to assume a power not conferred by the instrument of its creation."

It has been said that the Supreme Court of the United States has pronounced the Fugitive Law constitutional. I think, sir, this is an error. Some of the District Courts have made such a decision, but I am not aware that this has been done by the Supreme Court. And if it had made such a decision, it could hereafter reverse it. That Court, I believe, once held that a United States Bank is constitutional—an idea which is now quite generally exploded. I hold, therefore, that the Fugitive Law is an act of usurpation on the part of Congress. If the General Government had left this matter to the sound discretion of the States, where the Con-

stitution leaves it, there might then have been some propriety in talking about the obligations of comity. But since Congress has usurped the management of the whole matter, and has virtually told the States to have nothing to do with it, I do not see how any principles of comity can bind us to build prisons for the confinement of fugitives seized under such an act of usurpation.

4. Again, the character of the Fugitive Slave Law, apart from its unconstitutionality, is such—it is so unjust, cruel and oppressive, as well as dangerous to our liberties, that, on no grounds of comity, can we be expected to co-operate voluntarily with it. This is not merely the opinion of the "Liberators of the Western Reserve." It is supported by a high authority—authority which will doubtless be acceptable to the majority in this House. In the year 1851, the following resolution was passed by the Ohio Senate. Among the names recorded in favor of its passage, is that of Mr. Payne, of Cleveland. I make haste to inform you who supported it, lest you should think it originated in Oberlin; for it is certainly as decided as any thing ever passed at a town meeting in that village which has given so much trouble to Pro-slavery politicians.

"Resolved, That the Law commonly called the Fugitive Slave Law, being a Law that makes *ex parte* evidence conclusive of the master's right to the recapture and return of his slave—that denies a trial by Jury here or elsewhere; that provides for the appointment of a swarm of petty officers to execute it; that gives double compensation to find every claim set up in favor of the master, and pays the expense in every case from the public Treasury, can never receive the voluntary co-operation of our people, and ought therefore to be immediately repealed."

Now, I ask if mere courtesy requires the people of Ohio to make gratuitous sacrifices in support of a law which Mr. Payne pronounced to be so bad that it could "never receive the voluntary co-operation of our people, and ought therefore to be immediately repealed?" But there is another item upon the Senate Journal which shows how intense Mr. Payne's hatred of this law must have been. Mr. Geiger—a gentleman known during the last canvass as "the invincible Joe Geiger," and who, in spite of his wretched politics, is a very good and genial sort of man—proposed the following amendment to a resolution, calling for the repeal of the Fugitive Law:

"Provided, That Congress shall believe that such repeal will not tend to the dissolution of the Union."

When Mr. Geiger, in a tremor of patriotism, offered this proviso, did Mr. Payne second his well-meant endeavors? No, sir; so odious was the Fugitive Law to Mr. Payne that he voted against the Union-saving proviso. Now, sir, I am not disposed to be uncharitable to Mr. Payne for voting as he did. I am one of those who can make some allowance for a man of large heart and small experience, when barning

My resignation against a great wrong. The ~~last~~ was doubtless an unfortunate one; but the spirit of a generous man will sometimes rise so high as to flood his brain. I hope he was not willing to "let the Union slide"! It appears that he wished to have the Fugitive Law removed at any rate, let what would become of the Union. Perhaps he had such confidence in the strength of the Union, that he thought it would survive the shock. Or, perhaps, as Mr. Douglass said of Mr. Buchanan the other day, "he was not in the country" when the Union was formed, and did not fully understand its nature.

Whatever may be thought of his vote, it affords satisfactory evidence that he then detested the Fugitive Slave Law. I suppose, sir, that this law is as bad now as it was in 1851; and I was ~~swayed~~ last fall by men upon the Reserve and voted for Mr. Payne, that that gentleman's dislike to the law had not at all diminished by then, but had rather increased in intensity. — "Like Mr. Payne, I am not very favorable to giving this law my 'voluntary cooperation.'" It is one of a series of aggressions on the part of the Slave Power, the design of which is to extend slavery over the whole country. We first had the Fugitive Slave Law; next the repeal of the Missouri Prohibition; then the Dred Scott decision; before Spring we may have the admission of Kansas into the Union, under the Lecompton Constitution; and this work may continue to go on until the wish so boldly avowed by the Southern supporters of Mr. Buchanan's administration, shall be accomplished, in the enslavement of the free laboring men of Ohio. I hardly think the laboring men of the State are prepared, for reasons of comity, to cooperate voluntarily in such a scheme as

trust I have now made it evident that no reason can be given for voting for this bill, derived either from moral or legal obligations of the principles of comity.

But briefly notice some objections which a gentleman urged to the law of last Winter.

He told us that this law is a "vexatious" vexations to whom? Not to myself.— Not to the party with which I act. Not to a ~~any~~ of the people of Ohio, who have just ~~had~~ our noble Governor to the office which comes with as much honor to himself and benefit to the State, notwithstanding the fact that ~~any~~ law was made an issue during the election. Who then have been vexed by this ~~law~~ bill, unless it is the Proslavery ~~faction~~ of the Democratic party. They doubtless were vexed by it, as they would be by any law favorable to human freedom; but that ~~any~~ ~~law~~ which I can bear with Christian ~~intensity~~.

But the gentleman tells us, again, that the law is "inefficient." Inefficient for what? Inefficient for some things, doubtless; but, I trust, sufficient for the object for which it was made, that of preventing our jails from being turned into slave-pens. The law has a pen-

alty, sufficient, I think, to secure obedience. If it is not, I will soberly vote to increase it, and thus relieve the law of the objection of inefficiency.

I will close by speaking of some objections to the bill before the committee, in addition to those implied in what has already been offered.

1. In the first place, I fear that this bill is a covert attempt to bring about an amalgamation of the white and black races in this country. This is a point upon which you will see that I feel deeply, and I hope, therefore, I shall be pardoned for any apparent intemperance of expression. I have, for some time, suspected the Buchanan Democracy of being an amalgamation party; for they are laboring for the extension of slavery, which is a great system of amalgamation. But I was not quite prepared to see a bill so clearly favorable to amalgamation as this, boldly introduced by a member of that party. What does this bill propose to do? It proposes to huddle the "negroes of the South" and the Buckeye boys of our own State all together into the same jails! Human nature is shocked at such a proposition! I fear, sir, that my powers are not adequate to treating this subject as its importance demands. If I could only address you with the eloquence with which the distinguished member who represented Auglaize county in this House two years since, (Mr. Sawyer,) used to speak upon this his favorite topic, I could hope to make some suitable impression upon your minds. Were that gentleman here he would rebuke the gentleman from Hamilton for having introduced this amalgamation measure. What, sir, shall our pure blooded, Anglo-Saxon thieves, drunks and peace breakers be crowded into the same jail with "runaway negroes"? I do not pretend to know certainly that the gentleman from Hamilton wishes to amalgamate the races, but I think he is a proper object of suspicion, and should be carefully watched. I trust this bill will not pass. It is enough, I fear, the work of amalgamation will commence, the union of these States, as a consequence, be endangered, and the constitution of nature itself receive an irreparable shock!

2. With one additional suggestion to the majority party in this House, I will conclude. It is very doubtful, gentlemen, whether it is good policy for you to pass this bill. I am not your political father, and perhaps you will not thank me for my advice; but it is offered to you without price, and it is sincere. I believe you are pursuing a course well adapted to ruin your own party in the State, and restore the law-making power to the hands of the Republicans. When I came to the Legislature this Winter, I expected you to engage in a moderate share of Proslavery action; but this is an immoderate share of it. You can stand well with the Proslavery leaders of the country without passing this bill. It is more than they require of you. You can maintain your Proslavery reputation without this humbling measure. It is a gratuitous service. Even though, as a party, you should feel under the necessity of eating your peck of

dirt, why should you—for that reason—volunteer to swallow a bushel? I have strong hope that you will not. You have done many wrong things, but I always did you the credit, both in this House and elsewhere, to say, that I did not believe you would do a wrong thing without a fair prospect of pay.

But this bill, gentlemen, is a thing that will not pay. If passed, it will prove the poorest investment you ever made. You will gain nothing by it with slaveholders, and you will lose everything with the people of Ohio. I admit that our citizens have a good deal of prejudice against colored people, and they are only too tolerant in their feelings towards slaveholders, but they have no taste for being taxed to build jails for the confinement of fugitives. Some of the papers in this part of the State,

after the last election, complained, with reason, that in some portions of the State the Republicans did not turn out to the election. But, gentlemen, if you will only pass this bill and repeal the Habeas Corpus Act, and endeavor to prevent slaveholding in the State, and indorse Mr. Buchanan's Kansas bill, there will be no complaint, two years hence, about the Republicans of the Reserve not turning out. The Yankees of Ashtabula, instead of staying at home to make cider on the 1st of October, will leave the cider work on its own account, and, thronging to the polls in a mass together with their fellow Republicans throughout the State, will, emphatically returning a majority to this Assembly, rebuke this disposition to strengthen the slave power.